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PART II — Section 2

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इस भाग में भिन्न पुस्त संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
 Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 11th December, 2009:—

BILL NO. 118 OF 2009

A Bill further to amend the Competition Act, 2002.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Competition (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 14th day of October, 2009.

2. In section 66 of the Competition Act, 2002,—

Amendment of section 66 of Act 12 of 2003.

(a) in sub-section (1), the proviso and the *Explanation* thereto shall be omitted;

(b) in sub-section (3),—

(i) for the words, brackets and figure “after the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “on the commencement of the Competition (Amendment) Act, 2009” shall be substituted;

(ii) the following *Explanation* shall be inserted, namely:—

“*Explanation.*— For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and sub-section (5) shall be deemed to include all applications made for the

losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 as it stood before its repeal;

54 of 1969.

(c) in sub-section (4),—

(i) for the words, brackets and figure “on or before the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “immediately before the commencement of the Competition (Amendment) Act, 2009, shall, on such commencement” shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.”;

(d) in sub-section (5), for the words, brackets and figure “after the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “on the commencement of the Competition (Amendment) Act, 2009” shall be substituted;

(e) in sub-section (7), the following proviso shall be inserted, namely:—

“Provided that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.”.

Repeal and savings.

3. (1) The Competition (Amendment) Ordinance, 2009 is hereby repealed.

Ord. 6 of 2009.

(2) Notwithstanding such repeal, anything done or any action taken under the Competition Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act.

12 of 2003.

STATEMENT OF OBJECTS AND REASONS

The Competition Act, 2002 was enacted in 2002 keeping in view the economic developments that resulted in opening up of the Indian economy, removal of controls and consequent economic liberalisation which required that the Indian economy be enabled to allow competition in the market from within the country and outside. It was subsequently amended in 2007. The Competition Act, 2002, *inter alia*, provides for the following, namely:—

(A) establishment of the Competition Commission of India, which shall be an expert body and would function as a market regulator for preventing and regulating anti-competitive practices in the country in accordance with the provisions of the Act and it would also have advisory and advocacy functions in its role as a regulator which can also impose a penalty in certain cases specified in the Act;

(B) establishment of the Competition Appellate Tribunal, which shall be a three member quasi-judicial body headed by a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court to hear and dispose of appeals against any direction issued or decision made or order passed by the Competition Commission and to adjudicate claims on compensation and for passing of orders for the recovery of compensation from any enterprise for any loss or damage suffered as a result of any contravention of the provisions of the Act.

2. Sub-section (1) of section 66 of the Act provides for repeal of the Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act) and dissolution of the Monopolies and Restrictive Trade Practices Commission (MRTC) established thereunder. However, the MRTC was allowed to continue under the said sub-section to exercise jurisdiction and powers under the repealed Act for a period of two years from the date of the commencement of this Act in respect of all cases or proceedings filed before the commencement of this Act.

3. Sub-section (3) of section 66 of the Act, *inter alia*, provides that all cases pertaining to monopolistic trade practices or restrictive trade practices and sub-section (5) of section 66 of the Act provides that all cases pertaining to unfair trade practices referred to in clause (x) of sub-section (1) of section 36A of the MRTP Act, pending before the MRTC shall, after the expiry of two years referred to in sub-section (1) of section 66 stand transferred to the Appellate Tribunal, and, be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act.

4. Sub-section (4) of section 66 of the Act, *inter alia*, provides that all cases pertaining to unfair trade practices other than those referred to in clause (x) of sub-section (1) of section 36A of the MRTP Act before the MRTC shall, on or before the expiry of two years stand transferred to the National Commission constituted under the Consumer Protection Act, 1986 and the National Commission shall dispose of such cases as if they were cases filed under that Act.

5. Section 66 of the Act was brought in force on the 1st September, 2009. The post of Chairperson of the MRTC was vacant on the said date and there were only two Members in the said Commission out of five Members. Both Members in the said Commission demitted their office on the day of the 14th September, 2009 and on the day of the 1st October, 2009 respectively on completion of their tenure. Efforts were made to fill up the posts but were of no avail. The MRTC became non-functional and a gap was created for the disposal of the cases pending with the Commission. On the other hand, the Competition Appellate Tribunal established under the Competition Act, 2002 was not having adequate workload.

6. As both the Houses of Parliament were not in session and the President was satisfied that the circumstances existed which rendered it necessary for her to take immediate action, the Competition (Amendment) Ordinance, 2009 was promulgated on the 14th October, 2009 so as to transfer immediately the cases pending with the Monopolies and Restrictive Trade Practices Commission to the Competition Appellate Tribunal and National Commission from the date of issue of the Ordinance.

7. Since the National Commission expressed its inability to accept the transfer of cases and also the investigations or proceedings as many of the cases were not covered by the definition of 'consumer' under the Consumer Protection Act, 1986 and due to lack of investigating machinery with them, certain further amendments are proposed to section 66 of the Act which, *inter alia*, contains that—

(i) all the cases relating to unfair trade practices pending before the National Commission on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed;

(ii) all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation in the manner as it deems fit.

8. The Bill seeks to replace the aforesaid Ordinance with the above amendments.

NEW DELHI;
The 4th December, 2009.

SALMAN KHURSHID

Memorandum explaining the modifications contained in the Bill to replace the Competition (Amendment) Ordinance, 2009

The Competition (Amendment) Bill, 2009 which seeks to repeal and replace the Competition (Amendment) Ordinance, 2009 proposes to make the following modifications apart from modifications of consequential or drafting nature in the provisions contained in the said Ordinance, namely:—

(i) it is proposed to insert an *Explanation* to sub-section (3) of section 66 of the Competition Act, 2002 so as to clarify that the expression "all cases" referred to in sub-sections (3), (4) and (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 as it stood before its repeal;

(ii) it is proposed to insert a second proviso to sub-section (4) of section 66 of the Act to the effect that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed;

(iii) it is also proposed to insert a proviso to sub-section (7) of section 66 of the Act to the effect that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.

These two provisos shall come into force on and from the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President.

BILL NO. 131 OF 2009

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2009-10.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (No. 4) Act, 2009.

Issue of Rs. 30942.62,00,000 out of the Consolidated Fund of India for the financial year 2009-10.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty thousand nine hundred forty-two crores and sixty-two lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services specified in column 2 of the Schedule.

Appropriation

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agriculture and Cooperation	Revenue	14,23,00,000	14,23,00,000
2	Department of Agricultural Research and Education	Revenue	19,96,00,000	19,96,00,000
4	Atomic Energy	Revenue	422,48,00,000	422,48,00,000
		Capital	199,83,00,000	199,83,00,000
5	Nuclear Power Schemes	Revenue	55,67,00,000	55,67,00,000
		Capital	302,28,00,000	302,28,00,000
6	Department of Chemicals and Petrochemicals	Revenue	166,07,00,000	166,07,00,000
7	Department of Fertilisers	Revenue	3000,00,00,000	3000,00,00,000
9	Ministry of Civil Aviation	Revenue	281,00,00,000	281,00,00,000
		Capital	800,00,00,000	800,00,00,000
11	Department of Commerce	Revenue	160,58,00,000	2,05,00,000
12	Department of Industrial Policy and Promotion	Revenue	1,00,000	1,00,000
13	Department of Posts	Revenue		4,03,00,000
		Capital		10,00,000
14	Department of Telecommunications	Revenue	249,24,00,000	249,24,00,000
		Capital	171,75,00,000	171,75,00,000
17	Department of Food and Public Distribution	Revenue	3660,82,00,000	3660,82,00,000
		Capital	150,00,00,000	150,00,00,000
18	Ministry of Corporate Affairs	Revenue	9,43,00,000	9,43,00,000
		Capital	1,00,00,000	1,00,00,000
19	Ministry of Culture	Revenue	2,00,000	2,00,000
		Capital	9,00,00,000	9,00,00,000
20	Ministry of Defence	Revenue	29,81,00,000	29,81,00,000
		Capital	1,00,000	41,00,000
		Revenue	2210,00,00,000	2210,00,00,000
21	Defence Pensions			2,50,00,000
23	Defence Services—Navy	Revenue		1,45,00,000
24	Defence Services—Air Force	Revenue		1,00,000
28	Ministry of Development of North Eastern Region	Revenue	4,00,000	4,00,000
29	Ministry of Earth Sciences	Revenue	1,00,000	1,00,000
30	Ministry of Environment and Forests	Revenue	5,00,000	5,00,000
		Capital	1,00,000	1,00,000
31	Ministry of External Affairs	Capital	297,50,00,000	297,50,00,000
32	Department of Economic Affairs	Revenue	1,00,000	1,00,000
33	Department of Financial Services	Revenue	400,02,00,000	400,02,00,000
35	Transfers to State and Union territory Governments	Capital	1266,00,00,000	1266,00,00,000
		Revenue	1200,02,00,000	1200,02,00,000
		Capital		1400,00,00,000
38	Department of Expenditure	Revenue	3,94,00,000	3,94,00,000
39	Pensions	Revenue	4533,33,00,000	4533,33,00,000
41	Department of Revenue	Revenue	1,00,000	1,00,000
44	Department of Disinvestment	Capital	3139,90,00,000	3139,90,00,000
46	Department of Health and Family Welfare	Revenue	3,00,000	3,00,000
49	Department of Heavy Industry	Revenue	1,00,000	1,00,000
		Capital	1,00,000	1,00,000
51	Ministry of Home Affairs	Revenue	195,83,00,000	39,00,000
53	Police	Revenue	2,00,000	
		Capital	2,00,000	70,00,000
54	Other Expenditure of the Ministry of Home Affairs	Revenue	7,92,00,000	7,92,00,000
		Capital	48,00,00,000	48,00,00,000
55	Transfers to Union territory Governments	Revenue	105,68,00,000	105,68,00,000
57	Department of School Education and Literacy	Revenue	1,00,000	1,00,000
58	Department of Higher Education	Revenue	87,12,00,000	87,12,00,000
		Capital	100,00,00,000	100,00,00,000
59	Ministry of Information and Broadcasting	Revenue	1,00,000	1,00,000
60	Ministry of Labour and Employment	Revenue	1,00,000	1,00,000
61	Election Commission	Revenue	5,59,00,000	5,59,00,000

1 No. of Vote	2 Services and purposes	3		
		Voted by Parliament	Sums not exceeding Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
62	Law and Justice	Revenue	1,00,000	1,00,000
	CHARGED.— <i>Supreme Court of India</i>	Revenue		
64	Ministry of Micro, Small and Medium Enterprises ..	Revenue	2,00,000	2,00,000
65	Ministry of Mines	Revenue	21,13,00,000	21,13,00,000
67	Ministry of New and Renewable Energy	Revenue	1,00,000	1,00,000
71	Ministry of Personnel, Public Grievances and Pensions	Revenue	39,13,00,000	42,18,00,000
		Capital	15,21,00,000	15,21,00,000
74	Ministry of Power	Revenue	75,93,00,000	75,93,00,000
	CHARGED.— <i>Union Public Service Commission</i>	Revenue		
79	Secretariat of the Vice-President	Revenue	41,00,000	41,00,000
80	Department of Rural Development	Revenue	154,45,00,000	154,45,00,000
84	Department of Scientific and Industrial Research	Revenue	6,77,00,000	6,77,00,000
86	Ministry of Shipping	Revenue	2,00,000	2,00,000
		Capital	3,00,000	3,00,000
87	Ministry of Road Transport and Highways	Revenue	1,00,000	1,00,000
		Capital	311,00,00,000	311,00,00,000
88	Ministry of Social Justice and Empowerment	Revenue	2,00,000	2,00,000
90	Ministry of Statistics and Programme Implementation ..	Revenue	3,00,000	3,00,000
91	Ministry of Steel	Revenue	728,69,00,000	728,69,00,000
		Capital	1,00,000	1,00,000
92	Ministry of Textiles	Revenue	514,45,00,000	514,45,00,000
93	Ministry of Tourism	Revenue	2,00,000	2,00,000
100	Department of Urban Development	Revenue	414,76,00,000	414,76,00,000
		Capital	2025,10,00,000	2025,10,00,000
101	Public Works	Revenue	25,52,00,000	25,52,00,000
103	Ministry of Water Resources	Revenue	1,00,000	1,00,000
104	Ministry of Women and Child Development	Revenue	1200,00,00,000	1200,00,00,000
105	Ministry of Youth Affairs and Sports	Revenue	312,42,00,000	312,42,00,000
		Capital	350,58,00,000	350,58,00,000
	TOTAL		29500,04,00,000	1442,58,00,000
				30942,62,00,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114 (1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 2009-10.

PRANAB MUKHERJEE

**PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA**

[Copy of D.O. No. F. 4(3)-B(SD)/2009 dated the 7th December, 2009 from Shri Pranab Mukherjee, Minister of Finance to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2009-10, recommends under article 117(1) and (3) of the Constitution the introduction of the Appropriation (No. 4) Bill, 2009 in Lok Sabha and also the consideration of the Bill.

BILL No. 130 OF 2009

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year 2009-10.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Jharkhand Appropriation (No. 3) Act, 2009.

Issue of Rs. 1074,03,88,017 out of the Consolidated Fund of the State of Jharkhand for the financial year 2009-10

2. From and out of the Consolidated Fund of the State of Jharkhand there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand seventy-four crores, three lakhs, eighty-eight thousand and seventeen rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of vote/ Appropri- ation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
				Rs.
1	Agriculture Department	Revenue	18,08,25,000	18,08,25,000
2	Animal Husbandry and Fisheries Department	Revenue	1,54,77,000	1,54,77,000
		Capital	1,23,60,000	1,23,60,000
3	Building Construction Department	Capital	6,22,00,000	6,22,00,000
6	Election	Revenue	12,38,68,000	12,38,68,000
9	Co-operative Department	Revenue	5,96,00,000	5,96,00,000
10	Energy Department	Capital	193,50,00,000	193,50,00,000
18	Food, Supply and Consumer Forum Department	Revenue	22,73,00,000	22,73,00,000
21	Higher Education Department	Revenue	40,61,00,000	40,61,00,000
22	Home Department	Revenue	17,00,01,000	17,00,01,000
23	Industries Department	Revenue	77,53,75,000	77,53,75,000
26	Labour, Employment and Training Department	Revenue	19,73,00,000	19,73,00,000
27	Law Department	Revenue	8,00,000	8,00,000
28	High Court of Jharkhand	Revenue	48,00,000	48,00,000
30	Minorities Welfare Department	Capital	3,84,00,000	3,84,00,000
33	Personnel and Administrative Reforms Department	Revenue	50,00,000	50,00,000
39	Disaster Management Department	Revenue	300,00,00,000	300,00,00,000
40	Revenue and Land Reforms Department	Revenue	5,41,00,000	5,41,00,000
41	Road Construction Department	Revenue	21,36,00,000	21,36,00,000
42	Rural Development Department	Revenue	55,98,85,000	55,98,85,000
		Capital	115,45,15,000	115,45,15,000
44	Secondary, Primary and Public Education Department	Revenue	13,53,39,017	13,53,39,017
47	Transport Department	Revenue	68,70,00,000	68,70,00,000
48	Urban Development and Housing Department	Revenue	1,00,00,000	1,00,00,000
51	Welfare Department	Revenue	51,60,50,000	51,60,50,000
		Capital	19,54,93,000	19,54,93,000
	TOTAL		1073,55,88,017	48,00,000
				1074,03,88,017

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of articles 204(1), 205 and 207(1) of the Constitution of India, read with the Proclamation issued under article 356 of the Constitution in respect of the State of Jharkhand on the 19th January, 2009, to provide for the appropriation out of the Consolidated Fund of the State of Jharkhand of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of the State of Jharkhand and the grants made by the Lok Sabha for expenditure of the Government of Jharkhand for the financial year 2009-10.

NAMO NARAIN MEENA

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Copy of D.O. No. F. 2(28)-B(S)/2009 dated the 2nd December, 2009 from Shri Namo Narain Meena, Minister of State in the Ministry of Finance to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year ending on the 31st day of March, 2010, recommends under article 207(1) and (3) of the Constitution the introduction of the Jharkhand Appropriation (No. 3) Bill, 2009 in Lok Sabha and also the consideration of the Bill.

P.D.T. ACHARY,
Secretary-General.